

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on June 5, 2007, the Examiner rejected claims 94, 95, 100-108, 110, 114-118 under 35 U.S.C. 102(e) as being anticipated by Kravetz et al (United States Patent No. 6,397,196, hereinafter “Kravetz”), rejected claim 96 under 35 U.S.C. 103(a) as being unpatentable over Kravetz in view of Official Notice, rejected claims 99 and 113 under 35 U.S.C. 103(a) as being unpatentable over Kravetz in view of Risafi et al (United States Patent No. 6,473,500, hereinafter “Risafi”), and rejected claim 117 under 35 U.S.C. 103(a) as being unpatentable over Kravetz in further view of an article by Rusty Cawley (“New Texas Capital product marries payroll, ATMs”, hereinafter “Cawley”).

Rejections under 35 U.S.C. 102

In the Office Action, the Examiner rejected claims 94, 95, 100-108, 110, 114-118 under 35 U.S.C. 102(e) as being anticipated by Kravetz. Applicant respectfully submits that the claim set as provided herein is not anticipated by the cited references.

In the Office Action, mailed from the United States Patent and Trademark Office on October 12, 2006, the Examiner rejected independent base claims 94 and 107 “under 35 U.S.C. 103(a) as being unpatentable over Georgetown University Employment Services (hereinafter Georgetown) in view of Kravetz et al. United States Patent 6,397,196 (hereinafter Kravetz).” In the response filed with the United States Patent and Trademark Office on March 14, 2007, Applicant added additional limitations to independent base claims 94 and 107, and provided supporting arguments to overcome at least the Georgetown reference, as identified in the Office Action mailed from the United States Patent and Trademark Office on June 5, 2007. Accordingly, Applicant respectfully provides that a subsequent rejection of independent base claims 94 and 107 under 35 U.S.C. 102, using the same Kravetz reference as was provided in the

Office Action mailed from the United States Patent and Trademark Office on June 5, 2007, is improper. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. 102 be withdrawn.

Additionally, Applicant respectfully provides that the standard for a Section 102 rejection is set forth in M.P.E.P 706.02 and provides:

“... for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.”

Applicants respectfully submits that Kravetz does not teach every aspect of the claim set as provided herein and therefore does not anticipate the claims provided herein. Accordingly, for these reasons, rejection of the claims under 35 U.S.C. § 102 is respectfully requested to be withdrawn.

Rejections under 35 U.S.C. 103

Applicant respectfully submits that the standard for a Section 103 rejection is set for in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

Applicant respectfully submits that the references cited by the Examiner do not teach or suggest all of the claim limitations as provided herein. Accordingly, Applicant respectfully submits that the cited references do not make obvious the claims provided herein.

Thus, Applicant respectfully submits that for at least the reasons provided herein, the


claim set as provided herein overcomes all rejections made by the Examiner in the Office Action.

CONCLUSION

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

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Respectfully submitted,



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